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Attorneys for Defendant
JUSTIN KAPELL KENNEDY

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23-CR-300-DJC
Plaintiff,)
vs.) **STIPULATION AND ORDER TO CONTINUE**
JUSTIN KAPELL KENNEDY,) **STATUS CONFERENCE**
Defendant.) Date: September 26, 2024
) Time: 9:00 A.M.
) Judge: Hon. Daniel J. Calabretta
)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Cameron Desmond, counsel for Plaintiff; and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Kennedy, that the status conference currently set for September 26, 2024 **may be continued to November 07, 2024 at 9:00 a.m.**

The parties specifically stipulate as follows:

1. The indictment in this case issued on November 30, 2023. ECF No. 12. Mr. Kennedy was arraigned on the indictment on December 04, 2023. ECF No. 15.
2. On December 20, 2023, Pretrial Services informed the parties that Mr. Kennedy was in a car accident and was severely injured.
3. Defense counsel represents that she is in regular contact with Mr. Kennedy's mother. Undersigned defense counsel represents that she communicated with her

1 client's mother as recently as on September 20, 2024. His mother relayed that,
2 though he continues to make marginal improvements in awareness, Mr. Kennedy
3 is still: nonverbal, utilizing a feeding tube, on a ventilator, utilizing a trach, and
4 partially paralyzed. As such, defense counsel has not had any direct
5 communication with Mr. Kennedy subsequent to the accident. His Pretrial Officer
6 is in frequent communication with Mr. Kennedy's mother and is able to keep
7 abreast of his medical status as well.

8 4. Given the above, defense counsel is seeking the instant continuance. Given Mr.
9 Kennedy's medical state, **time is automatically excludable under 18 U.S.C. §**
10 **3161(h)(4) (Local Code O)**. *See* 18 U.S.C. § 3161(h)(4), “[t]he following periods
11 of delay *shall* be excluded...[a]ny period of delay resulting from the fact that the
12 defendant is...physically unable to stand trial” (emphasis added). Therefore, the
13 defense requests that the Court find that time is excludable under Local Code O
14 from September 26, 2024 to November 07, 2024 (inclusive).

15 5. The government does not object to the continuance.

16 The parties therefore respectfully request this Court to adopt the parties' stipulation as its
17 Order.

18 Date: September 24, 2024

19
20 Respectfully submitted,
21 HEATHER E. WILLIAMS
Federal Defender
22 /s/ Christina Sinha
CHRISTINA SINHA
Assistant Federal Defender
23 Attorneys for Defendant
JUSTIN KAPELL KENNEDY

24 Date: September 24, 2024

25 PHILLIP A. TALBERT
United States Attorney
26 /s/ Cameron Desmond
CAMERON DESMOND
27 Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The status conference currently set for September 26, 2024 is continued to November 07, 2024 at 9:00 a.m. The time period between and inclusive of these dates is excluded under Local Code O (18 U.S.C. § 3161(h)(4)).

IT IS SO ORDERED.

Date: September 25, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE